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| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | EXAMINER DAGER, JONATHAN M | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/556,655 | Applicant(s) JONSSON ET AL. | |
| | Examiner JONATHAN M. DAGER | Art Unit 3663 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 7, item III, filed 20 May 2009, with respect to the rejection of claims 1-9 and 21 under 35 U.S.C. 112, 2nd paragraph, have been fully considered and are persuasive due to cancellation of said claims. Therefore, the rejection of claims 1-9 and 21 under 35 U.S.C. 112, 2nd paragraph has been withdrawn.

2. Applicant's arguments, see page 7, item IV, filed 20 May 2009, with respect to the rejection of claims 1 and 10 under 35 U.S.C. 102(e), have been fully considered and are persuasive due to cancellation of said claims. Therefore, the rejection of claims 1 and 10 under 35 U.S.C. 102(e) has been withdrawn.

Subsequently, the prior art rejections of all claims dependent therefrom are withdrawn.

However, upon further consideration, new grounds of rejection are warranted on the newly presented claims (see below).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3a. Claims 22-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 22 contains the phrase “means for” in the claim language. This embodiment is supported throughout the specification, and the claim language is subsequently treated under 35 USC 112, sixth paragraph. However, the specification fails to set forth the exact structure, or equivalent thereof, that corresponds to the claimed function.

"If the specification is not clear as to the structure that the patentee intends to correspond to the claimed function, then the patentee has not paid the price for use of the convenience of broad claiming afforded by 112, sixth paragraph but is rather attempting to claim in functional terms unbounded by any reference to structure in the specification. If one employs means-plus-function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." See *Biomedino, LLC v Waters Technologies Corporation* (Fed Cir, 2006-1350, 6/18/2007).

For example, claim 22 recites a “means for determining a preferred medium”, and the language is mentioned in the initially filed specification, (for example page 11 lines 26-30 through page 12 lines 1-2). However, the exact “determining” structure, or equivalent thereof, cannot be ascertained from the specification.

Conversely, the “means for output” can clearly be interpreted as one of an audio or visual channel, as defined in the originally filed specification (see page 5 lines 5-6 of said document).

Subsequently, claims 23-31 are drawn to the invention of independent claim 22, and are rejected under identical grounds for similar terminology and/or dependency.

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3b. Claim 23 is further rejected under 35 U.S.C. 112, 2nd paragraph, on lack of antecedent basis.

Claim 23 recites dependency from claim 1. There is insufficient antecedent basis for this limitation in the claim since claim 1 has been cancelled. It is believed that claim 23 was to depend directly from claim 22, and will be examined as such.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4a. Claims 22-27, 29-37, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern (US 2003/0060211), and further in view of DeLorme (US 2003/0182052).

Regarding claims 22, 26, 32, and 36, as best understood, Chern discloses a wireless location-based information-retrieval system which includes a wireless communication device. The wireless device has a transceiver for sending and receiving communications across a wireless communication network, a position-determination device for determining the location of the wireless device, and an Internet browser. A remote server communicates with the wireless device. The server receives the location data from the wireless device over the network and maintains a web page listing information service options. The information service options are accessible to and selectable by the wireless device via the browser. The server retrieves information from a database based on the location data provided by the wireless device and on

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the selected service option. The retrieved information is sent to the wireless device over the network (abstract).

Chern discloses a device, wherein a user in a vehicle can obtain driving directions to a destination address is provided to a handset. The user requests driving directions to the destination via keypad entry and/or voice command, and the request is communicated to server 136 over wireless network 140. At the time of the request, the handset location determined by position determination system 134 is also provided to server 136 to provide a starting point for the directions. Using the handset location and the destination address, server 136 calculates a route and compiles driving directions. The driving directions are transmitted to handset 130 over network 140 and are displayed or audibly rendered to the user. In addition to textual driving directions, a map showing the route may be displayed on the handset display. Options such as the shortest possible route, interstate route, safest route, most scenic route, etc. may be provided. The user's choice of options will dictate the route calculation. The options may be stored, and prompts or scripts generated, locally (in the memory of handset 130). Alternatively, the options, prompts and scripts may be stored at server 136 and provided to the user via network 140 (para 0044).

Thus, Chern discloses a system for producing guiding information for a user in a vehicle, the system comprising at least one sensor associated with the vehicle (e.g. GPS), and processing input data comprising received and compiled information from a plurality of information sources and including the at least one sensor., including local (e.g. stored options, prompts, and scripts). Further, the above provides for means for presentation of information through a plurality of media (audio or visual display).

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Chern provides that the user may also specify avoidance of certain areas or parts of town, such as those that have high crime rates, gang or drug activity, or other undesirable attributes. Crime statistics from law enforcement authorities or other sources can be compiled and stored in database 138. Based on these statistics, certain areas or neighborhoods may be identified as high crime rate areas or otherwise undesirable areas. The user may opt to not receive choices for establishments in, or driving directions through, those areas. This feature can be implemented automatically, as a default selection or through a user prompt. Alternatively, the system may provide an automatic warning sound or indication to alert the user of entry into a high-crime-rate area. This feature is particularly useful if the user is unfamiliar with a particular area in which he or she is traveling (para 0048).

Thus, it is anticipated means for operating on the compiled information from the plurality of sources to generate a message format specification that presents information related to at least one information object, wherein said specification includes information for retrieval of specified information associated with said at least one information object from local or remote information sources.

It is noted that Chern does not explicitly disclose that the user specifies the format with respect to the information object; while the feature may be selectable, the format of the alarm is not. In other words, Chern only goes so far as to state that the alarm can be in multiple formats, but does not specifically detail wherein the user configures **a message format specification** with respect to an identified information object. Subsequently, Chern does not explicitly detail the means for determining a preferred medium, but does still anticipate an alternative medium (default) for presentation in a second format.

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Still, the above citation does account for means for forming presentation information in a medium, wherein said means for forming presentation information includes means for retrieving information associated with said at least one information object from said local or remote information sources, and means for output of said presentation information on said medium.

DeLorme teaches an invention similar Chern, in that a remote device, such as a PDA, can use remote and local sources of data compiled to present information audibly or visibly to the user with respect to an information object.

DeLorme teaches that within the multimedia subsystem 209, step 273 facilitates diverse multimedia information presentations or output on places, locations or geographic objects listed as POI or multimedia input in step 243. The step 273 output or multimedia presentations are subject to flexible user control, inviting further user response and interaction. The invention 200 facilitates user participation in, and user control of, both the form and content of ongoing multimedia presentations. The multimedia subsystem 209 provides access to commands or user options for making further manual selections of individual POIs, or further database POI searches, even in the middle of an ongoing multimedia presentation. In step 273, as detailed hereafter, the user can elect to repeat or skip parts of a multimedia presentation, pick among or combine forms of media such as audio, text or graphics, alter the current POI list governing the order and geographical focus of the unfolding ongoing multimedia experience, or prompt alternative or more detailed multimedia presentation about the places of interest to the user (para 0093).

DeLorme teaches that Moreover, as depicted in FIGS. 7, 8B, and 8C within a multimedia presentation concerning a particular POI, the system embodiment enables the user to select,

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review and segregate portions of the available multimedia information with regard to both media and content. Thus, the user can concentrate on the available informational content that is of the most immediate interest, using the medium or media most convenient or useful under the circumstances (para 0247).

Thus, DeLorme explicitly teaches the means for operating on the compiled information to generate a message format specification that specifies a format for presentation of information associated with at least one information object.

Chern has disclosed a base invention which is capable of all functions of the claimed embodiments, including storage, accessing remote information, presentation medium, processing functions, etc. Where Chern is deficient, with respect to claim 22 is that Chern only suggests, and does not explicitly disclose, a message format specification. DeLorme cures this deficiency with an invention similar to that of Chern.

Thus, since both inventions both disclose/teach similar elements and usage, it would have been obvious to one of ordinary skill in the art at the time of the invention to simply substitute one apparatus into the other, or at least combine their respective elements, to achieve no more than the predictable result of a selectable message format attached to an information object.

Combining prior art elements according to known methods to yield predictable results is a rationale to support a conclusion of obviousness. See MPEP 2143(A).

Simple substitution of one known element for another to obtain predictable results will support a conclusion of obviousness. See MPEP 2143 (B).

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Regarding claims 23 and 33, as best understood, Chern discloses that the processor 104 directs the overall operation of device 100. A computer program or set of instructions is typically coded or otherwise implemented on the processor to enable the processor to carry out the device operation. Memory 114 interfaces with processor 104 and may store program code and provide storage space for data useful in executing the program code and carrying out the device functions. Memory 114 may be implemented as ROM, RAM or any other convenient memory format. The features and functionality of the invention described below may be implemented using hardware, software, or a combination thereof, and such software can run on a processor such as processor 104 and be stored in a memory such as memory 114 (para 0033).

User interface features include speaker 106, display 108, keypad 110, and microphone 116. Microphone 116 accepts voice or other audio information from the user and converts this information into electrical signals that can be transmitted by transceiver 112. Likewise, speaker 106 converts electrical signals received by transceiver 112 into audio information that can be heard by a user of device 100. Display 108 displays information such as call information, keypad entry information, signal presence and strength information, battery life information, or any other information useful to the user. Display 108 preferably takes the form of a liquid crystal display (LCD), which have low power consumption characteristics, but could also be implemented as a light emitting diode (LED) display or any other appropriate visual indicator. Keypad 110 typically includes an alphanumeric keypad and may also include special function keys. In one embodiment, keypad 110 is backlit to permit viewing of the keys in low light or dark conditions. Device 100 may also include a flip panel (not shown) that can be closed to conceal some or all of the keypad (para 0035).

Regarding claims 24 and 34, as best understood, Chern discloses that the information retrieval system provides the user with automatic notification about selected types of news, events, promotions, etc. occurring near his location (as reported by handset 130). On the initial selection of this option, the user selects the types of events or information that he would like to subscribe to and be notified about (step 691). These selections may be later changed or deleted. At decision node 692, server 136 proceeds according to the notifications the user has subscribed to. Notifications about virtually any type of activity or event are possible. Three types of notifications--news, events and promotions--are shown in FIG. 12 (para 0075).

Regarding claims 25 and 35, as best understood, the combination of Chern and DeLorme teaches that the information object can be replaced by a stored, less detailed abstraction from a symbol database (see DeLorme, Figure 1A, para 0050-0051).

Regarding claims 27 and 37, as best understood, Chern discloses that the invention provides a location-based information retrieval system and method for wireless communication devices. A position determination system is included with the wireless communication device to allow the location of the device to be determined. The location of the device can be used to provide additional information or features to a user of the wireless communication device. Examples of the information that may be provided include map information; driving information; location information; location of retailers, goods, services, or other points of interest near the communication device; and any other information that may be useful or valuable to a user of the

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communication device. The device location is sent to a remote server that accesses and compiles the requested information and sends it back to the user via the communication device (para 0027).

Regarding claims 29, 30, 40, and 41, as best understood, Chern discloses that the user may also specify avoidance of certain areas or parts of town, such as those that have high crime rates, gang or drug activity, or other undesirable attributes. Crime statistics from law enforcement authorities or other sources can be compiled and stored in database 138. Based on these statistics, certain areas or neighborhoods may be identified as high crime rate areas or otherwise undesirable areas. The user may opt to not receive choices for establishments in, or driving directions through, those areas. This feature can be implemented automatically, as a default selection or through a user prompt. Alternatively, the system may provide an automatic warning sound or indication to alert the user of entry into a high-crime-rate area. This feature is particularly useful if the user is unfamiliar with a particular area in which he or she is traveling (para 0048).

Thus, Chern discloses a means for determining the state of the system, as well as determining enforcement of rules applied to the specification message (i.e. POI in a "bad neighborhood") and changing the system state (unsafe) in response to said rules.

Regarding claim 31, as best understood, Chern discloses that the processor 104 directs the overall operation of device 100. A computer program or set of instructions is typically coded or otherwise implemented on the processor to enable the processor to carry out the device

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operation. Memory 114 interfaces with processor 104 and may store program code and provide storage space for data useful in executing the program code and carrying out the device functions. Memory 114 may be implemented as ROM, RAM or any other convenient memory format. The features and functionality of the invention described below may be implemented using hardware, software, or a combination thereof, and such software can run on a processor such as processor 104 and be stored in a memory such as memory 114.

Chern discloses that the user may also specify avoidance of certain areas or parts of town, such as those that have high crime rates, gang or drug activity, or other undesirable attributes. Crime statistics from law enforcement authorities or other sources can be compiled and stored in database 138. Based on these statistics, certain areas or neighborhoods may be identified as high crime rate areas or otherwise undesirable areas. The user may opt to not receive choices for establishments in, or driving directions through, those areas. This feature can be implemented automatically, as a default selection or through a user prompt. Alternatively, the system may provide an automatic warning sound or indication to alert the user of entry into a high-crime-rate area. This feature is particularly useful if the user is unfamiliar with a particular area in which he or she is traveling (para 0048).

Thus, Chern discloses that the processor is configured to transcode the user preferences to enforce the user defined rules.

4b. Claims 28, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Chern DeLorme, as applied to claims 26 and above, and further in view of Buckham (US 6,662,016).

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Regarding claims 28, 38, and 39, as best understood, Chern discloses a target information object (fig. 1A, 1B), but does not explicitly disclose that the target information object includes a representation of another vehicle, as well as the presentation information object includes a representation of a route to intercept the vehicle as a function of predetermined characteristics.

Buckham, however, teaches providing graphical location information such as the location of an individual (including one's self); a car, truck, boat or other vehicle; one or more vehicles of a fleet; and/or the location of a mobile unit such as a wireless telephone (column 4 lines 36-47).

Buckham further teaches that in such known applications, it is sometimes desirable to provide location information by way of a graphical display. Such a display may show the location of a mobile resource on a map of a surrounding area. The map may identify other requested location information, such as the location of a service provider of interest, for example, a hotel, restaurant or the like, in addition to the mobile resource location. Such graphical displays are useful because they allow a viewer to quickly ascertain a significant amount of location information. For example, a dispatcher or fleet manager may quickly ascertain the location of mobile resources of interest by viewing the display. Similarly, an individual may quickly determine how to drive or walk to an identified service provider location by viewing a map that identifies both the location of the individual and the service provider location. Accordingly, it is useful to provide a display that includes at least mapping information and a marker, e.g., a cursor or other identifier, indicating the position of a mobile resource (column 1 lines 17-42).

Chern and DeLorme teach a base invention which is capable of all functions of the claimed embodiments, including storage, accessing remote information, presentation medium, processing functions, predetermined route characteristics, etc. Where Chern and DeLorme are

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deficient, with respect to claims 28, 38, and 39 is that the combination of Chern and DeLorme only suggests, and does not explicitly disclose, a the target object being a moving vehicle (changeable), as well as the presentation object including an instantaneous route to a meeting place.

Thus, since all inventions disclose/teach similar elements and usage, it would have been obvious to one of ordinary skill in the art at the time of the invention to simply substitute one apparatus into the other, or at least combine their respective elements, to achieve no more than the predictable result of tracking another moving vehicle as well as planning an intercept route.

Combining prior art elements according to known methods to yield predictable results is a rationale to support a conclusion of obviousness. See MPEP 2143(A).

Simple substitution of one known element for another to obtain predictable results will support a conclusion of obviousness. See MPEP 2143 (B).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN M. DAGER whose telephone number is (571)270-1332. The examiner can normally be reached on 0830-1800 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD
5 August 2009

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663